



TOWN OF TYNGSBOROUGH

Office of the Selectmen

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Board of Selectmen Meeting Minutes

Monday June 7, 2010

6:00 P.M.

Town Offices

Members Present: Selectwoman Ashley O'Neill, Selectwoman Elizabeth Coughlin, Selectman Rick Reault, Selectman Robert Jackson, Selectman Rich Lemoine.

Staff Members Present: Town Admin. Michael Gilleberto and Admin Assistant Therese Gay

5:30 P.M. Reception for the Police Department

The Board of Selectmen hosted a reception for the police department in recognition of the Departments efforts in obtaining their certification.

1. 6:00 P. M. Open Meeting

The Chairman called the meeting to order, the Board was introduced and this evening's agenda was read.

2. 6:05 P. M. Recognize Police Department

On May 6, 2010 the Tyngsborough Police Department received certification status by the Massachusetts Police Accreditation Commission. It took the department, under the direction of Chief Mulligan, the hard work of Detective Sergeant Richard Howe and Police Officers three years to complete the standard to become certified. The Tyngsborough Police Department is the 38th department in the commonwealth to reach certification. Thank you and congratulation to the Chief Mulligan, Det Sgt Howe and the entire force.

3. 6:15 P.M. Recognize Former Selectwoman Karyn Puleo

The Board thanked former Selectwoman Karyn Puleo for her commitment to the Town in her ten years of service, thank you Karyn and wishing you luck in your new endeavors. The Board presented Karyn with a plaque to commemorate her dedicated service.

4. 6:20 P.M. Census Discussion – Mark Robowtham

Mr. Robowtham was not able to attend this evening.

5. 6:30 P.M. Special Permit Request – Westford Road Development, LLC

The Board voted unanimously on a motion by Selectwoman Coughlin, second by Selectman Jackson to open the special permit hearing. The legal notice that appeared in the local publication on Mondays May 24 and May 31 was read by Selectman Reault, Clerk of the Board. The Board voted unanimously on a motion by Selectman Reault, second by Selectman Jackson to waive the reading of the abutters list. The abutters to the 8 acres, B-3 zone were notified by certified, return receipt mail, the adjoining abutters to the remaining 22 acres, I-1 zoned were notified by regular mail, as certified return receipt would have been costly, this mailing was send as a courtesy, the legal obligations were met.

The Board welcomed the petitioners and invited them to come forward and present their petition. Mr. Walter Eriksen, Mr. James Patierno and Attorney Scott Erickson came forward and introduced themselves. Mr. Eriksen presented his petition to construct a solar energy cell field on a 30 acres site. Of the 30 acres, 8 acres is in a B-3 zone, the remaining field is in an I-1 Zone. Pursuant to the Town Zoning By-laws the solar energy cells is in the appropriate zone the 8 acres portion located on Middlesex Road is a B-3 Zone and that is the portion the petitioners are requesting a special permit from the Selectmen to allow the solar energy cells to be located. This portion of the site is conveniently located near the National Grid substation. There will be some tree cuttings and there will be a few tall pines remaining to accommodate the bald eagles nesting in the area of the river. The site will be graveled, and low vegetation seeded, the entire site will be closed in with a 6 foot chain link fence, will replicate any wetlands that are disturbed. The petitioner will be filing with the Conservation Commission within the next couple of weeks. There access roads are located near the substation and there is one by Tyng Road. The only heavy equipment on the site will be for the grading and preparation of the site. The access roads will be for the maintenance crews which will be driving pick up trucks. The size of the panels will be 8 feet long, 4 ½ feet high and strung along in a chain fashion in excess of 100 feet. There will be no noise, no odor, no dust, the panels will be stationary. The buffer zone for the neighbors will be at least 100 feet with 80 feet buffer for the proposed apartment building, and 2 houses will be within 200 feet. The petitioners feel that this project will not impact the town with traffic, and noise and it will benefit the town beneficially in that it will bring in millions of dollars in taxes.

The Chairman asked is there were any abutters present who wished to speak in favor of the project, no one came forward. The Chairman asked if there were any abutters who wished to speak in opposition of the project. The abutters from Dickens Lane, Steinbeck Street, Center Crest Drive, Hamblett Avenue and Middlesex Road were concerned with the noise level, buffer to development, protecting the forest, impact to two ponds in the area, height of the panels, to the slope of the project to Middlesex Road and the possibility of a mudslide, and water run off on the graveled area and the number of vehicles on the access roads.

Mr. Eriksen answered the abutters questions first the Maple Ridge development has an open space area and the project will be 80 to 100 feet from the open space. The panels will be built and the energy from the cells will go into the grid. The access roads will be used only for the maintenance vehicles and those will be pick-up trucks. Construction will last about 3-4 months. There is an environmental study for the entire parcel, landslides do happen when the soil is mostly clay, however the proposed area is ledge and sandy soil and will be baled to handle excessive runoff. No one should be affected with any glare from the panels, the only abutters that will be able to see the fields are the second and third floor tenants of the apartment building. The landfill was not a good option for such fields because of the amount of contaminates on the site and the fear of a puncture in the membrane. Mr. Ed Wallace entered the meeting and asked about the notification procedure and that the abutters were not properly notified. The Administrator assured him that the office properly notified according to law. (see notification of abutters in the first paragraph) Mr. Wallace is to supply the names of the individuals who were not notified.

The Chairman thanked the abutters for their comments and thanked the petitioners for their presentation and their answers to the questions asked.

The Chairman entertained a motion to close the evidentiary portion of the hearing. The Board voted unanimously on a motion by Selectman Reault, second by Selectman Jackson to close the evidentiary portion of the hearing.

The Board deliberated the 4 criteria needed to be met to issue this special permit. The Board found and was in agreement that all 4 criteria needed were met.

The Board of Selectmen voted unanimously on a motion by Selectwoman Coughlin, second by Selectman Jackson to grant the Special Permit to construct a proposed 30 acre Solar Energy Cell Farm in certain B-3 zoning districts located off of Westford and Middlesex Roads based on the following findings and reasons that the use is in harmony with the intent and purpose of the by-laws in accordance to the Rules and Regulations for Special Permits issued by the Board of Selectmen pursuant to the Town of Tyngsborough Zoning By-laws with the following conditions: that the proposed facility will not produce dust, dirt, odor, fumes, smoke, gas, sewage or refuse and once constructed the Facility will be unmanned, other than periodic inspections and maintenance. Further, that the applicant and Mitsui agree to maintain a 6 foot chain link fence around the entire perimeter of the solar fields, the buffer zone is to be 100 feet, the solar panels not to exceed 6ft, and if need additional height the applicant is to return to the Special Permitting Authority for a special permit to increase the height, and the hours of operation will be 7:00 AM to 5:00 PM Monday through Friday. And further the Local Permit Granting Authority asks that the applicant and Mitsui will entertain the request for an Education Sharing with the public and private schools.

The Board voted unanimously on a motion by Selectwoman Coughlin, second by Selectman Jackson to close the hearing.

The Board voted unanimously on a motion by Selectman Lemoine, second by Selectman Jackson to recess for 5 minutes. 8:35 P.M.

The Board resumed the public meeting at 8:40 P.M.

6. 7:15 P.M. Historical Commissioners - Presentation

Due to the late hour the Historical Commissioners decided to reschedule at a later date. The Special Permit Hearing lasted longer than anticipated.

7. Citizen/Business Time

No citizen came forward this evening.

8. Other Business

A. Review the Minutes of May 12, 2010

The Board after review of the Minutes of May 12 and corrections were made.

The Board voted unanimously on a motion by Selectman by Selectman Reault, second by Selectman Jackson to accept the Minutes of May 12 with the noted corrections.

9. Correspondence

The Board voted unanimously on a motion by Selectman Reault, second by Selectman Lemoine to accept the correspondence as submitted. Selectman Jackson would like to volunteer to serve on the TECC study committee. Selectwoman Coughlin mentioned the Dracut Water District's increase in the water rates; she will be looking into the Tyngsborough water user and their inability to be represented in the district.

The Board voted unanimously on a motion by Selectman Lemoine, second by Selectwoman Coughlin to support the Planning Board's request for a reserve fund transfer for \$916.00. The Board voted unanimously on a motion by Selectman Lemoine, second by Selectman Jackson to support the Planning Board's request for a reserve fund transfer for \$1400.00. The Board voted unanimously on a motion by Selectman Lemoine, second by Selectwoman Coughlin to approve pursuant to MGL Chapter 44 Section 33B a reserve fund transfer from the Highway Department to transfer the amount of \$1,500 from the Vehicle Supplies account to the Highway Seasonal Wages account for the payment of wages to a temporary seasonal employee. Chairwoman O'Neill spoke to the census and its importance to the town for all residents to fill out the information and mail back to the census bureau.

10. Selectmen's Notes

Selectman Jackson attended the graduation, congratulation to all the seniors, also thank you to the Education Foundation for raising the money for grants to the teachers for supply and equipment for teaching aids. Selectman Lemoine thank you to Ben Savage in completing his project at the library, he urges all to come and use the new walkway through the library garden. The Memorial Day parade was great thank you to the Memorial Day committee. Selectman Reault attended the Memorial Day parade great parade thank you to the committee, and congratulation to the graduating class of 2010. Selectwoman Coughlin congratulation to the softball team they played in the State Championship. The town has been designated a Green Community and has just finished the first grant round. Please remember to fill out the census form it is very important. Thank you to the Education Foundation for seeing a need and working on a plan to address it; Congratulation to the Police Department on their certification; and congratulation and thank you to Karyn for the use of her professional skills in servicing the town. Selectwoman O'Neill Congratulations to the High School and the Vocational School graduates; and thank you to the Memorial Day Committee for a great parade.

11. Town Administrator's Notes

At the Selectmen's request the Chief and Town Counsel sent correspondence on Thirsty's regarding the violations. The Administrator forwarded under separate cover steps for improving the administration of the Board's affairs. The budget status, the House/Senate budget will be release later this month. An expenditure report has been included in you correspondence. Town Counsels have responded to the Town Auditors' request for information. Construction is to begin on Farwell Rd., Locust Ave. and Joyce Circle on Monday June 7. The Highway Dept continues to prepare a project plan to replace the culvert on Westford Road. FEMA and Dept of Conservation and Recreation have confirmed that the town is in compliance with the National Flood Insurance program. The position of Sewer Dept Admin will be advertised beginning this week. Negotiation with the potential BLS ambulance provider continues. The Town has been designated a Green Community and the town is now eligible for \$161,000 in green community funding. I attended a state Dept. of Revenue municipal Forum on June 2nd. The focus was on the Dept's operations, resources, and best practices and pitfalls in municipal financial planning.

12. Executive Session

The Board of Selectmen voted on a motion by Selectman Jackson, second by Selectman Reault to enter into Executive Session to discuss contract negotiations and to discuss potential litigation and at the conclusion of the Executive Session to enter into a Work Session and to adjourn. Roll Call Vote: Selectwoman Elizabeth Coughlin, yes; Selectwoman Ashley

O'Neill, yes; Selectman Robert Jackson, yes; Selectman Rick Reault, yes; Selectman Rich Lemoine, yes. The Board entered into Executive Session at 9:05 P.M.

A. Contract Negotiations

b. Litigation Discussion

The Board of Selectmen voted on a motion by Selectwoman O'Neill, second by Selectman Jackson to exit Executive Session and to enter into a Work Session and to adjourn. Roll Call Vote: Selectwoman Elizabeth Coughlin, yes; Selectwoman Ashley O'Neill, yes; Selectman Robert Jackson, yes; Selectman Rick Reault, yes; Selectman Rich Lemoine, yes. The Board exited Executive Session at 10:45 P.M.

13. Work Session

The Board discussed the implementation of keeping of records, or recording of minutes and the posting of agendas. The new open meeting law takes effect on July 1, 2010 and the way we keep records and post agendas will change. The Administrator will contact the Historical Commission's chairperson to reschedule their presentation. The Administrator reminded the board of the ribbon cutting ceremony on Thursday at Positively Young Salon located on Kendall Road.

14. Adjournment

The Board voted on a motion by Selectwoman O'Neill, second by Selectman Jackson to adjourn the meeting. The meeting adjourned at 11:30 P.M.

Respectfully submitted,

Therese Gay
Administrative Assistant

Approved on: Monday July 26, 2010